

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK TUFANO,
Plaintiff

V.

TIKTOK, INC.,
Defendant

: **No. 3:24cv1116**
 :
 : **(Judge Munley)**
 :
 : **(Chief Magistrate Judge Bloom)**
 :
 :
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ORDER

Before the court is the Report and Recommendation (“R&R”) of Chief Magistrate Judge Daryl F. Bloom wherein he screened Plaintiff Frank Tufano’s *pro se* complaint pursuant to 28 U.S.C. § 1915(e)(2). (Doc. 6). He recommends the complaint be dismissed without prejudice with leave to amend. (Id.) No objection to the R&R has been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, Magistrate Judge Bloom cogently addressed several issues with plaintiff's claims based on the facts pled in the complaint.

Additionally, the court agrees with the chief magistrate judge's recommendation that the complaint be dismissed without prejudice, but with a caveat that plaintiff be provided an opportunity to file an amended complaint. The court finds neither clear error on the face of the record nor a manifest injustice, and therefore, the R&R will be adopted. Accordingly, it is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 6) is **ADOPTED**;
- 2) Plaintiff's complaint is **DISMISSED** without prejudice;
- 3) Plaintiff may file an amended complaint within twenty-one (21) days of the date of this order; and
- 4) The failure to file an amended complaint in accordance with the above provision will result in the dismissal of this action with prejudice and the closing of this case.

BY THE COURT:

Date: 12/02/2024

s/ Julia K. Munley
JUDGE JULIA K. MUNLEY
United States District Court